

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

The claims have been amended in response to issues raised in the Office Action. Claim 1 has been amended to define the neutralizer component (D) by a Markush group of materials disclosed in the specification on page 11, last line and page 12, lines 4-6. Claim 1 has also been amended to add the preferred ranges disclosed on pages 13-14 of the specification. Claim 2 has been amended to define the component (E) by a Markush group of compounds disclosed on page 12, 5th paragraph. Claims 18 and 19 have been canceled. Accordingly, claims 1-3, 12-17 and 20-45 are now pending in this application.

The Examiner's indication that claims 32 and 33 are drawn to allowable subject matter is acknowledged with appreciation.

Turning to the Office Action, claims 2, 12-19, 22-31 and 34-43 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth in paragraph (3) of the Office Action. Reconsideration of this rejection is requested in view of the above amendments and for at least the following reasons.

Claim 2 has been amended to define the term "triazine derivative" by a Markush group of disclosed materials. Claim 18 has been canceled. Claims 12-17, 22-31 and 34-41 have been amended to provide proper Markush terminology.

In view of the aforementioned amendments, the §112 rejection has been obviated and should be withdrawn.

Claims 1, 3, 12-21, 34-42 and 44 were rejected under 35 U.S.C. §103(a) as unpatentable over Heinen et al (U.S. Published Application No. 2002/0010237), Greigger et al (U.S. Patent No. 6,479,574), Wang et al (U.S. Patent No. 6,291,068), Breant (U.S. Patent No. 6,025,423), Breuer et al (U.S. Patent No. 6,000,189), Fukumura et al (U.S. Patent No. 5,795,930), Martens et al (U.S. Patent No. 5,708,065), Staendeke et al (U.S. Patent No. 4,957,950) or Mathis et al (U.S. Patent No. 3,810,862) for the reasons given in paragraph (7) of the Office Action. Reconsideration of this rejection is respectfully requested in view of the above amendments, the attached Declaration and for at least the reasons which follow.

Claims 2 and 22-31 were not rejected on prior art. Since the §112 rejection of claim 2 has been overcome, claims 2 and 22-31 are now allowable.

Applicants note further that claims 3 and 34-45 include component (F), a metal alkoxide, specifically a titanium alkoxide (claims 42, 43 and 45). None of the above cited references appears to disclose or suggest the addition of a metal alkoxide. The addition of component (F) provides the claimed compositions with greater water-proof properties to avoid the problem with prior art products discussed on page 1, last four lines of the specification. Note also the pertinent disclosures on page 13, lines 1-7 and on page 19. Accordingly, Applicants respectfully submit that claims 3 and 34-45 are not *prima facie* obvious in view of the cited art.

With respect to the rejection of claims 1 and 12-21, each of the documents relied upon by the Examiner appears to disclose or suggest fire-retardant compositions containing various combinations of ingredients in varying ranges of proportions. Compositions may include one or more of a thermoplastic resin, nitrogen-containing phosphatic compound, hydroxyl group-containing compound, acid neutralizer and/or triazine derivative. However, the cited references do not teach the inventive concept of providing a thermoplastic resin composition for molding molded articles which have superior properties including heat resistance and water-proof ability together with high flame-retarding ability without suffering from thermal discoloration and bleeding out of blend component, as described on page 2, lines 13 to 26 of the present application. This represents an important distinction between the present invention and the cited references.

Further, the compositions of the present invention are distinct from the resin compositions of the cited references in the specified proportions of the recited components.

In support of the above arguments, Applicants are submitting herewith a Declaration pursuant to 37 C.F.R. 1.132 signed by one the inventors which compares various properties of a composition (Example 11) prepared in accordance with the present invention and several formulations which are believed to be representative of the various compositions encompassed by the disclosures of the cited art. The Declaration is intended to supplement the data provided in Tables 1 and 2 on pages 21 and 26, respectively, of the specification.

Attorney's Docket No. 033235-013

Application No. 09/878,424

Page 15

As clearly shown by the data in Tables 1 and 2 and in the attached Declaration, the compositions defined by currently amended claims 1 and 12-21 are unexpectedly superior to compositions representative of the documents cited by the Examiner. The compositions of the invention have excellent mechanical properties, flame retardance, resistance to thermal discoloration and water-proof properties.

For at least the above reasons, the present claims are believed to be patentable over the cited art. Accordingly, reconsideration and withdrawal of the §103(a) rejection are respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 19, 2003

By: George F. Lesmes
George F. Lesmes
Registration No. 19,995

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620